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Right to development

Report of the Secretary-General

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Introduction

The General Assembly, in its resolution 53/155 of 9 mber 1998, stressed the importance of creating an omic, political, social, cultural and legal environment ill enable people to achieve social development at the nal and international levels. In paragraph 23 of the ution, the Assembly requested the Secretary-General mit a report on its implementation to the Assembly at ty-fourth session.

During the commemorations marking the fiftieth ersary of the Universal Declaration of Human Rights, erns were expressed over the persistence of an eptable situation of extreme poverty affecting more billion human beings. It was noted that, despite the gence of new challenges and opportunities for opment in an increasingly globalized world more than ars after the adoption of the Declaration on the Right velopment, efforts to remove obstacles encountered in alization of the right to development at the national and ational levels remained precarious.

In its resolution 53/155, the General Assembly also sted the Secretary-General to continue to inform the mission on Human Rights and the Assembly of the ties of the organizations, funds, programmes and alized agencies of the United Nations system for the ementation of the Declaration on the Right to lopment, as well as obstacles identified by them to the ation of the right to development.

It also welcomed the establishment of a follow-up anism, in accordance with Commission on Human s resolution 1998/72, consisting of an open-ended ng group and an independent expert, in order to further ess towards the realization of the right to development.

Finally, the General Assembly requested the mission on Human Rights to invite the independent t on the right to development to include in his study for pen-ended working group proposals for measures that be taken for the more effective realization of the right elopment at the national and international levels, and ite the follow-up mechanism to consider the question borating a convention on the right to development.

At its fifty-fifth session, the Commission on Human s had before it a report of the Secretary-General on the o development (E/CN.4/1999/20), a report of the High missioner for Human Rights on the right to development N.4/1999/19) and a note by the Secretariat on the provisional work programme of the independent expert on the right to development (E/CN.4/1999/118).

II. Promoting human rights and the right to development within intergovernmental institutions

7. As part of her responsibilities as set out in General Assembly resolution 48/141 of 20 December 1993, which mandates that the High Commissioner for Human Rights promote and protect the realization of the right to development and enhance support from relevant bodies of the United Nations system for that purpose, the High Commissioner has pursued system-wide cooperation with developmental organizations, funds and programmes with a view to supporting the enhancement of the human rights regime worldwide.

A. Furthering the common country assessment through the United Nations Development Assistance Framework

8. A workshop on the common country assessment and the United Nations Development Assistance Framework (UNDAF) organized jointly by the Office of the United Nations High Commissioner for Refugees (UNHCR), the Office of the High Commissioner for Human Rights and the Office for the Coordination of Humanitarian Affairs, was held in Geneva on 8 July 1999 at the invitation of the United Nations Development Group Office of the United Nations Development Programme (UNDP). The purpose of the workshop was to exchange information and hold technical discussions on the common country assessment and UNDAF and their implementation, in particular the role of the respective participating United Nations organizations in the process.

9. The meeting provided an opportunity to exchange views on lessons learned so far. The United Nations Development Group framework (especially the setting up of the DevLink Web site) and the ongoing reform of the resident coordinator system to support the Office of the High Commissioner for Human Rights in providing input to the common country assessment/UNDAF process will need to be strengthened to ensure more meaningful participation of the Office of the High Commissioner for Human Rights in the preparation of and follow-up to common country assessment and UNDAF documents. It was thus important

to identify a strategy to integrate the common country assessment and UNDAF throughout the participating organizations. Working groups or other follow-up mechanisms could be established to keep field offices regularly updated, to prepare a format document for input by the Office of the High Commissioner for Human Rights in the common country assessments and United Nations development assistance frameworks and to provide direct support to country teams as the need arises.

B. Human rights strengthening programme

10. UNDP and the Office of the High Commissioner for Human Rights in 1998 engaged in the formulation of a joint programme for human rights strengthening aimed at operationalizing the commitment to human rights contained in a UNDP policy paper entitled "Integrating human rights with sustainable human development". The programme for human rights strengthening, which was signed on 8 April 1999 by the High Commissioner for Human Rights and the Associate Administrator of UNDP, provides for:

(a) Support to five pilot countries in five regions for setting up national human rights plans to strengthen national capacity to promote, protect and realize human rights;

(b) Support to five pilot countries in five regions for designing guidelines on mainstreaming human rights in UNDP sustainable human development country programmes;

(c) The organization of regional and subregional workshops for the promotion of ratification of the principal human rights instruments;

(d) The organization of a seminar advancing the global dialogue on the impact of globalization on the enjoyment of human rights and issuing a publication thereon;

(e) The provision of support to UNDP country office projects for programming in the field of human rights.

C. Comprehensive development framework

11. The comprehensive development framework, proposed by the World Bank places an emphasis on taking social and structural issues into account fully on par with macroeconomic issues when dealing with the development of a country. It acknowledges that development is about the transformation of society, not just economic growth. It is built on three foundations: a holistic long-term approach to development; country ownership of the development process; and partnerships of domestic and international partners in support of ownership and the national development agenda.

12. The comprehensive development framework is presently in a pilot phase in which the approach is being tested in 12 countries where Governments have shown an interest in experimenting with this approach and where key partners are ready to participate in an attempt to build the needed strategic partnerships. The use of a matrix as a management tool has been encouraged, thereby helping to identify the sector coverage of interventions and the role presently played or to be played by all stakeholders and partners. The matrix can be seen as a practical visual presentation of the holistic approach, showing the key ingredients of the development process: human development, structural improvements and physical infrastructure. The Office of the High Commissioner for Human Rights is getting ready to participate in the pilot phase, in particular in those sectors of the matrix that cover human rights issues such as good governance, the justice system, social safety nets and programmes, education and health.

13. In comparison to the common country assessment/UNDAF process, which has already enabled the Office of the High Commissioner for Human Rights to take part in United Nations efforts to rationalize its development assistance programming at the country level, notably on human rights, the comprehensive development framework, through its emphasis on ownership and partnerships, will link directly with governments, civil society, donors and the United Nations and allow countries to address human rights in the context of development priorities.

D. Human Development Report 2000

14. UNDP decided that the Human Development Report 2000 would be devoted to human rights and would be entitled "Human development and human rights". Its goal would be:

(a) To explore the normative, conceptual and operational common ground between human development and human rights;

(b) To identify best practices in promoting human rights in the area of human development;

(c) To examine new approaches available at the international, governmental, civil society and corporate levels.

15. The Office of the High Commissioner for Human Rights and the UNDP Human Development Report Office have undertaken to work in close collaboration in the preparation of this important report, given the role played by the report as a reference work in both the development and human rights areas and the timeliness of focusing on and studying the relationship between human rights and human development.

III. Recent developments in the area of inter-agency coordination

A. One-year review of the task force on the Office of the High Commissioner for Human Rights/United Nations Development Programme Memorandum of Understanding

16. Since the signing of a Memorandum of Understanding between the Office of the High Commissioner for Human Rights and UNDP on 4 March 1998, the task force established to monitor its implementation has met monthly in Geneva. Its agenda has included a permanent exchange of views on the right to development; preparation of relevant documents for better exposure of resident representatives to the international human rights treaty system as well as to the Commission on Human Rights mechanisms and procedures; and joint action on technical cooperation in the field of human rights, with special emphasis on the provision of UNDP administrative and logistical support to the Office of the High Commissioner for Human Rights in the field.

17. The significant achievements in the implementation of the Memorandum of Understanding are as follows:

(a) Development of a training package on human rights for UNDP staff members;

(b) Formulation of a brochure on human rights complaints procedures;

(c) Participation of UNDP in the meetings of treaty bodies;

(d) Elaboration of a strategy to exchange staff and the recruitment of United Nations Volunteers and junior professional officers for human rights programming.

B. United Nations Development Assistance Framework

18. The United Nations Development Group has just completed the first round of UNDAF, defined as a common programme and resources framework for all its membership and, whenever possible, the whole United Nations system. It is now well established that programmes and related resources of individual United Nations Development Group members will be formulated with reference to and as part of UNDAF, but will remain clearly identifiable.

19. The decision to prepare UNDAF within a country will continue to lie with the country team, led by the resident coordinator, who should ensure that concerns of agencies not represented in a country are properly reflected by inviting their input. Donor organizations, non-governmental organizations and other civil society organizations should be invited to participate, government participation and support being vital.

20. Once the pilot phase of UNDAF has been found to be conclusive, UNDAF is expected to:

(a) Maximize the collective and individual development impact of participating entities' assistance programmes;

(b) Intensify goal-oriented collaboration in response to national development priorities;

(c) Ensure coherence and mutual reinforcement among individual programmes of assistance.

21. UNDAF country teams will participate in the review of national measures to translate the commitments of global conferences and the mandates of United Nations agencies into country-level action plans, the identification of key indicators, the collection of data and the establishment of a common database, the organization of theme groups to carry out a dialogue with Governments, non-governmental organizations, donors and others, and the implementation, monitoring and evaluation of country programmes.

22. The country teams in the 18 pilot phase countries were supported by 19 facilitators, whose mandate was to support the preparation of the UNDAF document and to provide assistance to the country team in team development, work planning, process review and support in the context of the UNDAF process. Facilitators visited all the pilot countries. In addition, 69 hotline/focal points were designated as resource persons for the pilot countries.

23. An assessment of the pilot phase was initiated in May 1998 with a view to improving the provisional guidelines and the support system in anticipation of a global introduction in 1999. The main elements of the assessment were:

(a) The design and management of the pilot phase and ways in which they can be improved for the subsequent

phases at both the global and country levels, and the extent to which the UNDAF process made or is likely to make a difference in the way the United Nations works at the country level;

(b) The commissioning of a team of three high-level external development experts to provide a neutral perspective on the UNDAF pilot phase and to advise on how UNDAF could be applied globally commencing in 1999;

(c) The review, at an assessment workshop held in Princeton, United States of America, from 28 to 30 September 1998 of the findings of the two teams and the presentation of its recommendations to the United Nations Development Group on 6 October, including the following:

(i) UNDAF is a strategic "bridge" between the common country assessment and country programmes, responding to national development priorities, the global development agenda (conventions, conferences) and the principal values of the United Nations;

(ii) The common country assessment is the principal instrument of the United Nations for assessing and analysing a country's development situation providing a forum for policy analysis and dialogue;

(iii) The Government is the privileged partner and should be involved in the preparation of UNDAF from the outset, including when developing the terms of reference for the common country assessment;

(iv) Assuming the Government's prior concurrence with its content, the country team should approve the UNDAF document. Executive boards could refer to UNDAF during their review of individual country programmes;

(v) Specialized agencies should fully participate in the UNDAF process and, at the earliest juncture, should be mandated by their governing bodies to do so.

24. In countries where the United Nations programme cycles will be harmonized by 2001, country teams are invited to have undertaken the preparation of a common country assessment by May 1999 and are expected to have completed their UNDAF document by December 1999.

25. The UNDAF outcome will be channelled through United Nations Development Group subgroups, in particular the subgroup on programme policies, the working group on training, the working group on common indicators and the ad hoc group on the right to development.

C. Ad hoc group on the right to development

26. At its 21 November 1998 meeting, the ad hoc group on the right to development decided that its 1999 priorities would be:

(a) To continue cooperation with the United Nations Development Group subgroup on programme policies for the insertion of human rights, including the right to development, in all parts of the common country assessment and UNDAF guidelines;

(b) To develop for Development Group staff a global support system and training module on human rights, including the right to development, and the implications of human rights on development operations of the United Nations system;

(c) To develop a common Development Group approach for enhancing the right-to-development dimension in development operations;

(d) To develop a matrix outlining specific right-to-development goals for the Development Group as a whole, as well as for individual Development Group organizations, including benchmarks and terms of accountability.

27. Therefore, the ad hoc group is currently working on:

(a) The preparation of draft guidelines on human rights for resident coordinators, which will be sent for adoption to the Consultative Committee on Programme and Operational Questions Working Group on the resident coordinator system and to the Committee coordinators at their September 1999 session, to be adopted as the Administrative Committee on Coordination guidelines on human rights for resident coordinators;

(b) The preparation of a training module on human rights for United Nations staff involved at the country level and at Headquarters in the common country assessment/UNDAF process.

28. The final version of the common country assessment/UNDAF guidelines, adopted in April by the Executive Committee on Development, incorporates references to human rights, thus enabling country teams to take into account the human rights situation of a country, as well as human rights priorities and concerns, while preparing their common country assessment and UNDAF.

29. References to human rights in the common country assessment and UNDAF guidelines offer guidance to country teams when preparing their common country assessment and UNDAF documents. These references relate to:

(a) The six main human rights instruments (the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment and the Convention on the Rights of the Child) as the substantive framework;

(b) Conclusions and recommendations adopted by the six treaty bodies;

(c) Office of the High Commissioner for Human Rights support to country teams when preparing a common country assessment/UNDAF document.

D. Office of the High Commissioner for Human Rights workshop on the right to development

30. At the initiative of the High Commissioner for Human Rights, a workshop on the right to development was organized in Geneva on 18 and 19 May, the objectives being, among other things, to exchange views with the Office of the High Commissioner, and to provide support to the study of the independent expert on the right to development. The meeting was attended by some 10 high-level experts from various fields of activity and all regions.

31. The outcomes of the workshop were:

(a) The identification of core elements in the Declaration on the Right to Development (human rights and human security);

(b) The prevalence of cross-cutting themes (non-discrimination, gender, and equality and equity);

(c) The assessment of trends in the implementation of the core elements (national and international strategies for the implementation of the right to development);

(d) The identification of the basic contextual issues (international cooperation through an enabling environment and the compact idea advanced by the Secretary-General at the 1999 economic summit in Davos, Switzerland). Recommendations for further work would focus on the need for improved methodology in the implementation the right to development, the development of indicators and, where possible, the improvement of international cooperation with reference to the 20/20 Compact on Human Development, whereby 20 per cent of donor aid and 20 per cent of the recipient's budget would be devoted to human priority expenditure.

32. The study of the independent expert will be submitted for the consideration of the open-ended working group on the right to development, scheduled to meet in Geneva from 13 to 17 September.

E. Field training for United Nations Development Programme resident representatives and government officials (Abidjan and Colombo)

33. The UNDP policy document entitled "Integrating human rights with sustainable human development" embraces a holistic vision integrating all human, civil, cultural, economic, political and social rights. As a development organization, UNDP particularly highlights poverty as a denial of human rights. For the implementation of this policy, UNDP signed a Memorandum of Understanding with the Office of the High Commissioner for Human Rights in 1998 which provides for greater exposure of UNDP staff to human issues and approaches through seminars, workshops or individual briefings, as the case may be.

34. As part of the process of integrating human rights into the United Nations system, the Office of the High Commissioner for Human Rights and UNDP jointly organized two training sessions respectively, in Abidjan and Colombo, with the purpose of providing more human rights exposure to UNDP resident representatives, deputy resident representatives and other UNDP staff, as well as their government counterparts at the country level.

35. The training programme included the following aspects: (a) the United Nations human rights framework as a tool for development; (b) the interrelatedness of the right to development and sustainable human development; and (c) the right to development as a basis for good governance programmes.

36. The United Nations human rights framework as a tool for development is designed to provide participants with a basic introduction to human rights norms and standards, as well as the human rights treaty monitoring system. The training was designed to show how these norms, standards and mechanisms can inform work in the area of sustainable human development. It also purported to highlight the interface between the right to development and sustainable human development as it expands the scope for exploring the implications for UNDP of poverty eradication and

sustainable livelihoods, gender, environment and governance and opens practical avenues for implementation of the right to development at the national level.

37. One of the key items in the training programme, the right to development as a basis for good governance programmes, provided participants with the opportunity to address development programme design with a view to promoting the right to development. It also helped to frame the identification of entry points for cooperation between UNDP and governance actors.